

10/587675

104610-57758 (22011)

1AP12 Rec'd PCT/PTO 27 JUL 2006  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	:	
Eberle et al.	:	Art Unit : Not Assigned
	:	
Serial No. : Unassigned	:	Examiner : Not Assigned
	:	
Filed : Herewith	:	
	:	
Title : SUBSTITUTED BENZIMIDAZOLES	:	
AND THEIR USE FOR INDUCING	:	
APOPTOSIS	:	

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In accordance with 37 C.F.R. 1.97-1.99, applicants respectfully request that the references listed on the completed form PTO-1449 be made of record in the above-identified application. A copy of the references and European Search Report dated 30 June 2004 are enclosed.

Consideration of this Information Disclosure Statement is respectfully requested, since the information provided herein may be material to the patentability of the subject application as defined in 37 C.F.R. §1.56. The submission of references with this Information Disclosure Statement should not be construed by the Examiner that a comprehensive search through the prior art was conducted; it is requested that the Examiner make such a comprehensive search.

The above citations do not constitute an admission that the references are relevant or material to the claims; they are cited only as constituting the closest art of which applicant is aware. As such, it is respectfully submitted that the Claims presented for examination define patentable subject matter thereover. Favorable consideration on the merits is respectfully requested.

***Correspondence and Fees***

The information disclosure statement is being submitted before the mailing date of the first Office Action on the merits. Consequently, no fee is due in connection with this submission. However, if a fee is deemed to be due, the Commissioner is authorized to charge our Deposit Account No. 03-3839.

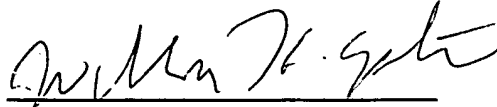
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IAP12 Rec'd PCT/PTO 7 JUL 2006

Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made to William H. Epstein at (973) 596-4607 and fax communications should be sent directly to him at (973) 639-6397.

Thank you for your consideration.



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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	Unassigned
		Filing Date	Herewith
		First Named Inventor	Eberle
		Art Unit	Unassigned
		Examiner Name	Unassigned
		Attorney Docket Number	104610-57758 (22011)
Sheet 1	of 1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 6,211,177	04-03-2001	Sperl et al.	
		US- 6,369,092	04-09-2002	Pamukcu et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.